

REMARKS

Claims 34 and 40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kowalski. Claim 34 has been amended to call for a memory having stored therein a plurality of predetermined messages, any of the predetermined messages available for selection to replace the caller ID value for the telephone at which the telephone calling card is used. Kowalski fails to disclose a calling card having a memory having stored therein a plurality of predetermined messages where any one or more of the messages are available for selection to replace a caller ID value of a telephone.

First, the examiner has failed to show where the credit card of Kowalski discloses a plurality of predetermined messages. For example, the examiner states that the credit card inherently has memory to store the credit card number. However, it has not been shown where more than a credit card number is stored in a memory. As such, the assertion that Kowalski teaches storing more than one predetermined message is traversed.

Also, Kowalski fails to show that any predetermined message (if there were a plurality thereof) can be *selected* to replace the caller ID value for a telephone at which the calling card is being used. For example, according Kowalski, the credit card number *is part of the* ANI (Automatic Number Identification) data. *See* column 3, line 46-column 4, line 4. The credit card number is forwarded to the network control point (NCP) 170. But, data stored at the NCP 170 replaces an account number such as the credit card number. *Id.* Thus, the replacement data of Kowalski is stored on the NCP, not the card.

Likewise, in the background section of Kowalski that is cited in the Office action, there is no indication that any of a plurality of predetermined messages is available for selection to replace a caller ID value. In other words, the credit card number is used by default and the user has no control to select what will replace the ANI. As such, it is respectfully submitted that Kowalski fails to anticipate claim 34 or claims dependent thereon.

Amended claim 40 calls for a memory having stored therein a plurality of predetermined messages that are user-selectable, one or more of the user-selected messages to be received by a recipient communications device in place of the respective caller ID value of a telephone at which the calling card is used.

Kowalski fails to disclose a plurality of user-selectable messages stored in the memory of a calling card where a user-selected message is received by a recipient communications device in place the caller ID value of a telephone. As explained above, the examiner has failed to show where Kowalski discloses a plurality of messages stored in the memory of a credit card. As such, Kowalski fails to disclose a plurality of user-selectable messages, the messages predetermined and stored in memory on a credit card. Also, in Kowalski the credit card number is forwarded to the network control point 170, which includes a database with other information. It is the other information, stored on the remote database, that may replace a credit card number. *See* column 3, line 54-column 4, line 4. Thus, Kowalski does not store replacement messages on the credit card proper. Accordingly, independent claim 40 is patentable over Kowalski.

Claim 28 has been amended to call for a telephone calling card comprising ... a memory having stored therein a plurality of selectable, predetermined messages, any of the predetermined messages to be selected at the time a call is made for substitution in place of the respective caller ID value of a telephone at which the calling card is used.

Claim 28 was rejected under the combination of Tasaki, Snyder and Kowalski. As explained above, Kowalski fails to disclose a plurality of selectable, predetermined messages that are stored in the memory of a calling card where any of the predetermined messages can be selected for substitution in place of a caller ID value of the telephone at which a calling card is used.

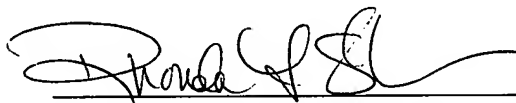
Snyder fails to cure the deficiencies of Tasaki and Kowalski. For example, referring to Figure 6 of Snyder, the telephone number of the telephone station at which a call is being made is indicated at 202. This number also appears at the receiving station, which is shown in Figure 6A at 254. Thus, Snyder fails to disclose selecting a

predetermined message at the time a call is made for substitution *in place of a caller ID value* of a telephone at which the calling card is used, the selected predetermined message stored in the memory of the calling card. As such, claim 28 and claims dependent thereon are believed to be patentable over the combination Tasaki, Snyder and Kowalski.

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0785US).

Respectfully submitted,

Date: December 17, 2004



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